

May 29, 2014

Lower Passaic River Study Area/Diamond Alkali Superfund Site
Meeting Summary
US EPA Headquarters, William Jefferson Clinton Bldg West
Washington, DC

The following presents a synopsis of the topics presented and discussed at the May 29, 2014 meeting between US EPA and several stakeholder representatives (full list of attendees identified below), including Maxus Energy Corporation, Tierra Solutions Inc., Occidental Chemical Corporation, Voltaggio Consulting, LLC, and Vinson & Elkins L.L.P., related to the cleanup of the Lower Passaic River part of the Diamond Alkali Superfund Site (the Site) in Newark, NJ. This summary represents the substantive nature of the presentation and discussion for the purpose of an official public record of the meeting; this summary will be included in the administrative record as part of the public comment period for the Lower 8 Mile area Proposed Plan. Neither this meeting nor the summary provided below are intended to substitute for any formal submission of comments by the parties during the public comment period.

Introduction

At the start of the meeting, EPA notified the stakeholder representatives that because EPA has issued the Proposed Plan for the Lower 8 Miles and the public comment period is underway, EPA would not engage in a debate or discussion of the Proposed Plan.

EPA further notified the stakeholder representatives that, notwithstanding the preparation of a summary of the meeting, if they wish their comments to be considered they must submit them in writing, or attend a public meeting; the stakeholder representatives indicated their understanding and agreement.

Focused Feasibility Study process

Representatives from Tierra Solutions and Voltaggio Consulting, et. al., expressed concerns regarding the Focused Feasibility Study (FFS) process as it relates to the ongoing investigations of the 17-mile Lower Passaic River Study Area of the Site. These concerns were related to the process timing, relative to the scope of the remedy, and other observed inconsistencies with their understanding of the general FFS process as seen at other sites. Various representatives expressed concern over certain technologies that had not been considered in the FFS, particularly bioremediation, or that were not identified as an element of the preferred alternative in the Proposed Plan, specifically confined aquatic disposal (CAD) cells.

Bioremediation pilot study proposal

Dr. John Pardue, of Louisiana State University, spoke to convey the potential for in-situ bioremediation of the PCB and dioxin contaminated sediment. He explained the process by which technology can enhance the biological dechlorination of contaminants through the addition of carbon sources to enhance bacterial biodegradation of contaminants in the sediment. In addition to the discussion, Vinson & Elkins L.L.P. presented a short video clip that illustrated the experimental caisson technology that the stakeholder representatives are proposing be evaluated as part of a bioremediation pilot study (see: [caissons_1080p.mov](#)). Dr. Pardue and other stakeholder representatives encouraged US EPA to consider and approve a proposal (that they intend to submit to US EPA Region 2) to proceed with a pilot study for bioremediation of the contaminated sediments. The stakeholders stated that the technology to date had only been tested in a laboratory on a bench scale; they stated that this proposal, if approved, would allow a large-scale, field demonstration of the technology at a remedial site for the first time. Dr. Pardue and other stakeholder representatives cited as benefits of this process the immediacy of risk reduction (results of the pilot may be known within 3-18 months), and the innovative, sustainable and

environmentally friendly nature of this approach, and they also referred to potential job training opportunities. US EPA informed the stakeholder representatives that it will evaluate the proposal when submitted in the form of a work plan. US EPA Region 2 noted that this evaluation would include consultation with New Jersey Department of Environmental Protection (NJDEP).

Fish tissue sampling

Tierra Solutions, Inc., et al., reiterated their interest and urged EPA to consider their written offer to perform additional sampling of fish tissue in the Lower Passaic River, submitted to US EPA HQ on March 20 and 31, 2014. Vinson & Elkins L.L.P. representatives encouraged US EPA to consider this offer prior to completion of the Record of Decision for the Lower 8 Mile study area of the Site. US EPA Region 2 acknowledged receipt of the offer and noted that in issuing the Proposed Plan, US EPA had concluded that it has sufficient data to support the Proposed Plan and remedy selection process for the Lower 8 Miles of the Passaic River, and also noted that a remedial investigation and feasibility study are already being performed for the full 17 miles of the Lower Passaic River. US EPA Region 2 indicated that it will consider the March 20 and 31, 2014 letters as commenting on the Proposed Plan and will respond in due course in the context of the remedy selection process.

Stakeholder collaboration

Maxus Energy Corporation, et al., expressed concerns about stakeholder collaboration (i.e., among potentially responsible parties, other federal stakeholders, including the US Army Corps of Engineers, and the State of New Jersey) during the remedial investigation processes and requested US EPA's assistance in facilitating these efforts. US EPA agreed that open and effective communication among stakeholders is important to the various aspects of the Site and therefore the agency encourages collaboration among all stakeholders. Voltaggio Consulting and Maxus Energy Corporation, et al., also expressed concerns about potential impacts to the Environmental Justice community in the vicinity of the site; further, they indicated that they would take steps to ensure that this stakeholder group is informed about and engaged in any process relating to their bioremediation proposal. Vinson & Elkins acknowledged Region 2's open and cooperative process for information sharing as part of the FFS and other components of the Superfund process. US EPA also noted the importance of communicating with New Jersey, other potentially responsible parties, and community organizations in relation to the bioremediation proposal.

List of Attendees/Attendance Location (alphabetical by surname)

Ray Basso, Director, Lower Passaic River Project, US EPA, Region 2/via teleconference
Barry Breen, Deputy Assistant Administrator, OSWER, US EPA/WJC W
Rafael DeLeon, Acting Director, OECA OSRE, US EPA/WJC W
Carol Dinkins, Vinson & Elkins L.L.P. /WJC W
Lisa Feldt, Associate Deputy Administrator, US EPA/ WJC W
Sarah Flanagan, Assistant Regional Counsel, Region 2 ORC, US EPA/via teleconference
Javier Gonzalez, General Counsel, Maxus Energy Corporation/WJC W
Patricia Hick, Assistant Regional Counsel, Region 2 ORC, US EPA/via teleconference
Melanie Keller, OSWER OSRTI, US EPA/WJC W
Ben Lippard, Vinson & Elkins L.L.P. /WJC W
John Michaud, Deputy Associate General Counsel, OGC, US EPA/WJC W
Walter Mugdan, Director, Region 2 ERRD, US EPA/via teleconference
John Pardue, Elizabeth Howell Stewart Professor, Louisiana State University/WJC W
Frank Parigi, General Counsel, Glenn Springs Holdings, Inc. and Asst. General Counsel, Occidental Chemical Corporation/WJC W
David Rabbe, President, Tierra Solutions, Inc. /WJC W

Robin Richardson, Acting Office Director, OSWER OSRTI, US EPA/WJC W
Dana Stalcup, Acting Division Director, OSWER OSRTI ARD, US EPA/WJC W
Mathy Stanislaus, Assistant Administrator, OSWER, US EPA/WJC W
Brian Thompson, Associate Counsel, OSRE, US EPA/WJC W
Derrick Vallance, Assistant General Counsel, Maxus Energy Corporation/WJC W
Tom Voltaggio, Voltaggio Consulting, LLC/WJC W
Alice Yeh, Remedial Project Manager, Region 2, US EPA/via teleconference